

## Chapter ATCP 104

### LEAF TOBACCO, BUYING AND SELLING

ATCP 104.01 Prohibited trade practices; tobacco buyers.

ATCP 104.02 Prohibited trade practices; tobacco growers or sellers.

ATCP 104.03 Enforcement.

**Note:** Chapter Ag 111 was renumbered chapter ATCP 104 under s. 13.93 (2m) (b) 1., Stats., Register, April, 1993, No. 448.

**Note:** This chapter is adopted under authority of s. 100.20 (2), Stats., and is administered by the Wisconsin department of agriculture, trade and consumer protection. Violations of this chapter may be prosecuted under s. 100.20 (6), 100.26 (3) or (6), Stats. A person who suffers a monetary loss because of a violation of this chapter may sue the violator directly under s. 100.20 (5), Stats., and may recover twice the amount of the loss, together with costs and reasonable attorneys' fees.

**ATCP 104.01 Prohibited trade practices; tobacco buyers.** No tobacco buyer or agent shall engage in any unfair methods of competition or unfair trade practices in the business of buying leaf tobacco, and particularly the following:

(1) Attempt to induce another tobacco buyer to:

(a) Refrain from paying more than a stated price for any kind or grade of tobacco.

(b) Limit purchases of certain kinds, lots, crops or grades of tobacco.

(c) Confine negotiations for the purchase of tobacco within a prescribed area, or to a limited class or group of growers.

(d) Refuse to negotiate for the purchase of tobacco before or after a certain date or to restrict purchase negotiations to a limited period of time.

(e) Engage in any plan of intermittent or cyclic buying activity which may result in a reduction of market prices for tobacco.

(2) Refuse to negotiate with any grower for the purchase of tobacco because such tobacco was previously graded or submitted for grade.

(3) Falsely represent in purchase negotiations with a grower, that any particular lot or crop of tobacco was purchased at less than

the price actually paid therefor, or that any other tobacco buyer has or will cease buying tobacco.

(4) Purchase tobacco under any contract which does not include a specific time within which delivery and payment are to be made.

(5) Give or offer to give any grower or other person any secret or separately stated bonus, commission, payment or other consideration affecting price over and above the quoted net total or final purchase price as agreed upon with the grower in any contract for the purchase of leaf tobacco. This does not apply to the payment of commissions by tobacco buying companies to their agent buyers for services rendered in the purchase of tobacco for them.

**History:** 1-2-56; am. Register, October, 1975, No. 238, eff. 11-1-75; corrections in (1) made under s. 13.93 (2m) (b) 5., Stats., Register, April, 1993, No. 448.

**ATCP 104.02 Prohibited trade practices; tobacco growers or sellers.** No grower or seller shall solicit or receive from a tobacco buyer any secret or separately stated bonus, commission, payment or other consideration affecting price over and above the quoted net total or final price as agreed upon in any contract for the sale of leaf tobacco to a buyer. This does not prohibit grower agents of tobacco buying companies from receiving or accepting a commission from such tobacco buying companies for services rendered in the purchase of tobacco for them.

**History:** 1-2-56; r. and recr. Register, October, 1975, No. 238, eff. 11-1-75.

**ATCP 104.03 Enforcement.** Any person violating this chapter may be enjoined or punished as provided in s. 100.20 or 100.26, Stats.

**History:** Cr. Register, October, 1975, No. 238, eff. 11-1-75.